

6:30 p.m. – Executive Session to discuss negotiations and personnel

7:00 p.m. Study Session:

- Budget

Agenda

Tipp City City Council

7:30 p.m. Monday, December 7, 2009

Tipp City Government Center

260 South Garber Drive

Tipp City, Ohio 45371

	Agenda Item	Presenter
1.	Call to Order - Roll Call	President Hale
2.	Prayer for Guidance, Pledge of Allegiance	Pastor Brad Warkentine, Tipp City Church of the Nazarene Cub Scouts Pack 285
3.	Motion to Approve the Agenda	President Hale
4.	Minutes of the November 16, 2009 Pre-Meeting Study Session Minutes of the November 16, 2009 Meeting Minutes of the November 23, 2009 Operating Budget Meeting	President Hale
5.	Presentations, Proclamations, & Awards	Mayor Evans
6.	Legislation	
	Ordinances (second reading) A. Ordinance No. __-09: An ordinance authorizing the City Manager to purchase certain real property (+/- 117.7 acres) in unincorporated Monroe Township, Miami County, Ohio and declaring an emergency. <i>(Sponsored by Mr. Beagle)</i> <u>Summary:</u> The total cost of this project is \$520,810 of which the City's cost is less than 6% (\$25,000) due to grants and donations. B. Ordinance No. __-09: An ordinance supplementing the appropriations in Ordinance No. 48-08. <i>(Sponsored by Mrs. Gillis)</i> <u>Summary:</u> This ordinance authorizes an increase of appropriations for various funds of the City to supplement the 2009 fiscal year budget in the total amount of \$495,000.	Mr. Crusey

	<p>C. An ordinance reducing the appropriations in Ordinance 48-08. (<i>Sponsored by Mrs. Blakey</i>)</p> <p><u>Summary:</u> This ordinance authorizes the necessary reduction in appropriations of \$1,571,300.</p> <p>D. Ordinance No. __-09: An ordinance amending Chapter 37 including Appendix Exhibit "A" of the Codified Ordinances of the City of Tipp City for all City employees not covered by a collective bargaining agreement. (<i>Sponsored by Mr. Lovett</i>)</p> <p><u>Summary:</u> This revision to Chapter 37 allows the Superintendent and Supervisor of the NAWA Treatment Plant to receive overtime and on-call pay.</p>	
	<p>Resolutions (<i>one reading required</i>)</p> <p>A. Resolution No. __-09: A resolution authorizing the City Manager to utilize equitable powers of the Common Pleas Court of Miami County, Ohio in order to abate uncorrected violations of Section 94.44</p> <p><u>Summary:</u> This nuisance was discussed with City Council in a pre-meeting Study Session on November 16, 2009.</p> <p>B. Resolution No. __-09: A resolution authorizing and directing the City Manager to enter into a contract with the law office of the Miami County Public Defender.</p> <p><u>Summary:</u> This resolution authorizes a contract with the Miami County Public Defender to pay for indigent persons charged with jailable offenses under municipal ordinances.</p>	Mr. Crusey
	<p>Ordinances (<i>first reading</i>)</p> <p>A. Ordinance No. __-09: An ordinance adopting the 2010 annual budget for Tipp City, Ohio.</p> <p><u>Summary:</u> This ordinance adopts the operating budget for the fiscal and calendar year 2010 as proposed by the City Manager and reviewed by City Council.</p> <p>B. Ordinance No. __-09: An ordinance to make appropriations for current expenses and other expenditures of the municipality of Tipp City, Ohio during the fiscal year ending December 31, 2010.</p> <p><u>Summary:</u> This ordinance establishes the specific appropriations called for in the above-mentioned 2010 fiscal budget year.</p>	Mr. Crusey
7.	Motions	President Hale

8.	Miscellaneous A. Restoration Board Annual Report	President Hale
9.	Citizen Comments on Items Not on the Agenda	
10.	Comments of Councilmembers/City Manager	
11.	Adjournment	President Hale

Council welcomes the comments and input of the public during the Council meetings. In order to provide an orderly fashion in which all interested parties have an opportunity to address Council, Council has adopted the following procedure for citizen's comments during any portion of the Council meeting or Public Hearing.

Any citizen who wishes to address Council must first seek recognition from the President of Council. Upon recognition by the President, the speaker should approach the podium, state their name and make their comments. Speakers should not leave the podium to approach Councilmembers without first obtaining permission. After completion of their comments, Council would request that the speakers return to their seat so that any other interested persons could then be recognized and address Council.

The purpose of this procedure is to afford the maximum opportunity for citizen input without any type of disruption of the Council proceedings. While others are addressing Council from the podium, Council requests that audience members not make comments to Council or to individuals at the podium to prevent any potential confusion or disruption.

AGENDA

ORDINANCES – Second Reading

- A. **Senseman Land Purchase** – This ordinance authorizes the City Manager to finalize the purchase of the +/- 117 acre parcel located just east of the well fields. The total cost of \$520,810 is being financed by a \$385,399.40 grant from the Clean Ohio Fund, \$90,400 from a private company (remediation requirement from OEPA), \$15,010.06 in cash and in-kind services from the Miami Conservancy District, and \$25,000 in a combination of cash, in-kind services and easement donation from the City of Tipp City. Tipp City's share of this project is less than 6%. Since closing on this property must take place prior to December 31st staff recommends that Council adopt this ordinance as an Emergency at 2nd reading on December 7th. A memo from Assistant City Manager/ Community and Economic Development Director Brad Vath is attached for your review.
- B. **Supplemental Appropriation** – The adoption of this ordinance would increase 2009 appropriations in the amount of \$495,000 as follows:
- + \$35,000 General Fund – To account for additional transfers in the amount of \$20,000 to the Swimming Pool Fund and \$15,000 to the Parks Capital Improvement Fund to offset lower than anticipated income tax revenue related to the 0.25% Parks levy.
 - + \$460,000 Electric Fund - Due to higher than anticipated purchase of power costs. This increase is offset by revenue from the City's sale of electric power.

C. **Reduction of Appropriations** – The adoption of this resolution would decrease 2009 appropriations in the amount of \$1,571,300 as follows:

- \$12,000 Swimming Pool Fund – Due to lower than budgeted expenditures.

- \$59,300 Parks Capital Improvement Fund – Due to lower than budgeted project costs for the Kyle Park Bike Path project that was budgeted at \$150,000 and completed for \$90,700.

- \$1,500,000 Utility AMR Project Fund – Proposals for the Advanced Metering Infrastructure/Automatic Meter Reading project were received on October 21 and are currently under review. The City has been awarded a \$600,000 OPWC loan for this project and therefore cannot sign any contracts until after January 1, 2010.

D. **Water/Wastewater Supervisory Call-In Pay** – In March of 2008, the City signed a Memorandum of Understanding (MOU) with AFSCME regarding several contract issues affecting the NAWA plant operations. City Council was consulted regarding the proposed changes. One change allowed the City to have Chapter 37 employees (Water/Wastewater Superintendent or Water Treatment Plan Supervisor) perform the weekly on-call routine. However, during the transition to a new City Manager this change was never codified into Chapter 37. Staffing at NAWA is comprised of one supervisor and two operators. Previously, the two operators were on-call every other week from 3:30 p.m. to 7:00 a.m. with two-hour shifts on Saturday and Sunday. With the addition of the Superintendent or Supervisor into the call-in rotation, employees are now on-call every three weeks instead of every other week. This ordinance allows the Superintendent or Supervisor (salaried positions) to earn on-call time and overtime while serving in an on-call status. This ordinance is retroactive to March 2008 when the Superintendent/Supervisor began receiving on-call pay.

RESOLUTIONS

A. **Nuisance Abatement: 427 W. Plum Street** – The adoption of this resolution would authorize the City Manager to abate the various nuisances (i.e., junk and litter) at 427 W. Plum Street, owned by Orville W. Burgess. Furthermore, the cost of such abatement plus any legal fees incurred shall be filed as a lien against the real property. Mr. Burgess was served a Notice of Violation via a process server on September 15, 2009 and has failed to clean up and/or remove the items constituting the nuisance. As required by Code Section 94.45, this matter was reported to Council during a study session on November 16th. A memo on this matter from Assistant City Manager/Community and Economic Development Director Vath is attached for your review.

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B. **Miami County Public Defender Contract** – The adoption of this resolution would authorize the City Manager to enter into a contract with the Miami County Public Defender Commission to meet the City's obligation to provide legal services to the City's indigent citizens. This one year contract is for the sum of \$4,068.23.

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ORDINANCES – First Reading

- A. 2010 Operating Budget** – The 2010 Operating Budget is submitted as presented to City Council at its November 23rd Workshop. However, during Council’s review of the operating budget the City Manager’s was directed by City Council to develop a plan to fund an additional \$314,000 in street improvements by reducing expenditures by \$200,000 and \$300,000 respectively. The City Manager’s budget reduction plan will be reviewed with City Council in a study session prior to the December 7 Council meeting. Section 7.06(B) of the Tipp City Charter, AMENDMENT BEFORE ADOPTION, states “after the public hearing, the Council may adopt the annual operating budget with or without amendment . . .” The public hearing will be conducted as part of this ordinance’s 2nd reading on December 21.
- B. 2010 Appropriations** – The appropriation ordinance is companion legislation to the approval of the operating budget. The appropriations budget authorizes the expenditure of funds while the operating budget sets forth the financial plan for the ensuing fiscal year, including estimated revenue and proposed expenditures. This appropriations budget mirrors the recommended expenditures set forth in the operating budget that was reviewed by Council on November 23rd, but may be amended to reflect changes made by City Council to the operating budget.